

**UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON**

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 2:14-00114

RONALD BARNETTE

Defendant.

Defendant's Reply in Support of Motion to Modify Conditions of Probation

Defendant Ronald Barnette, by counsel, and pursuant to 18 U.S.C. § 3563(c) and Rule 32.1 of the Federal Rules of Criminal Procedure, submits this reply in support of his motion requesting that this Court modify the conditions of Defendant's probation to permit him to be in the possession of archery equipment, for the purpose of deer hunting on private land for the remainder of the 2016 deer hunting season in West Virginia:

1. The procedural history and basis for Mr. Barnette's request was set forth in his original Motion (Docket #51). In short, pursuant to this Court's Judgment (Docket #37), Mr. Barnette was placed on a term of probation and his probation conditions require that he "shall not possess ... any other dangerous weapon." As a lifelong, avid hunter, Mr. Barnette seeks a modification of this single probation condition to allow him to possess archery equipment — specifically, a compound bow — for the limited purposed of deer hunting during the 2016 archery season in the State of West Virginia, which closes on December 31, 2016. Furthermore, Mr. Barnette does not seek permission to possess archery equipment on public land. He only seeks to hunt on private land accessed via an ATV.

2. On November 22, 2016, the Government filed a Response (Docket #52) to the Defendant's Motion indicating the opposition of the Government and Mr. Barnette's probation

officer to the relief requested. The Government cites “[g]eneral considerations for the safety of the supervising probation officer.” In point of fact, despite regularly checking in with probation and following all directions of his supervising officers, Mr. Barnette has not physically been in the presence of a probation officer since the date of his sentencing hearing on February 25, 2015. In addition, the relief requested by Mr. Barnette is extremely limited — possession of a compound bow for the limited purpose of deer hunting on private lands in West Virginia, and only until the conclusion of the 2016 archery season. In light of those constraints, and the fact that Mr. Barnette does not have regular in-person contact with any probation officer, the Government’s officer safety concerns are misplaced. Moreover, any such concerns could easily be accomplished by a simple direction that Mr. Barnette inform his supervising officer prior to engaging in any bow-hunting.

WHEREFORE, Mr. Barnette respectfully requests that the Court grant this motion and modify his probation to allow him to possess a compound bow for the limited purposed of deer hunting on private lands during the 2016 archery season in the State of West Virginia, which closes on December 31, 2016.

Dated: November 29, 2016

Respectfully submitted,

RONALD BARNETTE,
By Counsel.

/s/Michael B. Hissam
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CERTIFICATE OF SERVICE

I hereby certify that on this 29th day of November, 2016, I filed the foregoing **Defendant's Reply in Support of Motion to Modify Conditions of Probation** using the Court's CM/ECF system, which will cause a copy to be served upon the following:

Meredith George Thomas, Esq.
Assistant United States Attorney
Robert C. Byrd Courthouse
300 Virginia Street East, Suite 4000
Charleston WV 25301

/s/Michael B. Hissam
Michael B. Hissam (WVSB #11526)